IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

O.P.No. 35918 of 2000(A)

PETITIONERS:

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1. PROF.JACOB GEORGE, (LECTURER, SELECTION GRADE (RTD), DEPARTMENT OF CHEMISTRY, CHRISTIAN COLLEGE, CHENGANNUR), 'LOVE DALE', ANGADICKAL, CHENGANNOOR.

2. K.S.JOHNIKUTTY,((LECTURER, SELECTION GRADE (RTD), DEPARTMENT OF CHEMISTRY, CHRISTIAN COLLEGE, CHENGANNOOR), BEULA BHAVAN, ANGADICKAL.P.O, CHENGANNOOR).

3. M.K.JOHN, (LECTURER, SELECTION GRADE(RET), DEPARTMENT OF MATHEMATICS, CHRISTIAN COLLEGE, CHENGANNOOR) MULLAVELIL, ENATHU P.O.

4. T.C. ABRAHAM,(LECTURER, SELECTION GRADE (RTD), DEPARTMENT OF PHYSICS, CHRISTIAN COLLEGE, CHENGANNOOR), THANNICKAL, PADIPPARA, ERAVIPEROOR.P.O, VIA. THIRUVALLA.

5. K.A.KURIACHAN,(LECTURER, SELECTION GRADE (RTD), DEPARTMENT OF CHEMISTRY, CHRISTIAN COLLEGE, CHENGANNOOR), ATTUMALIL, WEST OF RAILWAY STATION, MAVELIKKARA.

6. MATHEW VARGHESE,(LECTURER, SELECTION GRADE (RTD), DEPARTMENT OF HISTORY, CHRISTIAN COLLEGE, CHENGANNOOR),PARAYIL, (CHEKKUMOOTTIL), KALLISHERRY.P.O, CHENGANNOOR.

BY ADV. SRI.BABU VARGHESE

RESPONDENTS:

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1. THE PRINCIPAL, CHRISTIAN COLLLEGE, CHANGANNOOR,

2. THE STATE OF KERALA, REPRESENTED BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF HIGHER EDUCATION, GOVERNMENT SECRETARIATE, THIRUVANANTHAPURAM.

3. THE DIRECTOR OF COLLEGIATE EDUCATION,
   VIKAS BHAVAN, P.M.G. JUNCTION,
   THIRUVANANTHAPURAM.

4. THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
   KOTTAYAM.

5. THE ACCOUNTANT GENERAL OF KERALA,
   THIRUVANANTHAPURAM.

6. THE DIRECTOR OF INSURANCE , HOUSING BOARD
   BUILDINGS, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. MANOJ

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.61218 OF 2000 IN O.P.NO.35918 OF 2000

DISMISSED

14.12.2006 Sd/- A.K.BASHEER,JUDGE

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE PF APPLICATION IN RESPECT OF IST PETITIONER FORWARDED TO THE DIRECTOR OF COLLEGIATE EDUCAITION DATED 29.10.99, WITH PROFORMA.

EXT.P1(a): COPY OF THE PROPOSAL FORWARDED TO THE DIRECTOR OF INSURANCE DATED 25.9.2000 IN RESPECT OF IST PETITIONER.

EXT.P2: COPY OF THE P.F APPLICATION IN RESPECT OF THE 2ND PETITIONER, FORWARDED TO THE DIRECTOR OF COLLEGIATE EDUCATION DATED NIL, WITH PROFORMA.

EXT.P2(a): COPY OF THE PROPOSAL FORWARDED TO THE DIRECTOR OF INSURANCE DATED 14.9.2000 IN RESPECT OF THE 2ND PETITIONER.

EXT.P3: COPY OF THE FORWARDING LETTER SENT BY THE DEPUTY DIRECTOR FORWARDING LPC AND NLC DATED 4.8.2000 IN RESPECT OF 3RD PETITIONER.

EXT.P3(a): COPY OF THE ORDER ADMITTING PENSIONARY BENEFITS OF THE 3RD PETITIONER ISSUED BY THE ag, DATED 22.5.2000.

EXT.P3(b): COPY OF THE PENSION COMMUNICATION ISSUED BY THE ag TO THE TREASURY OFFICER DATED 28.6.2000.

EXT.P3(c): COPY OF THE P.F. APPLICATION FORWARDED TO THE DIRECTOR OF COLLEGIATE EDUCATION WITH PROFORMA, DATED 19.2.2000, IN RESPECT OF THE 3RD PETITIONER.

EXT.P3(d): COPY OF THE PROPOSAL FORWARDED TO THE DIRECTOR OF INSURANCE DATED 18.9.2000 IN RESPECT OF 3RD PETITIONERS GROUP INSURANCE.

EXT.P4: COPY OF THE PF APPLICATION FORWARDED TO THE DIRECTOR OF COLLEGIATE EDUCATION WITH PROFORMA, DATED 17.2.2000 IN RESPECT OF 4TH PETITIONER.

EXT.P4(a): COPY OF THE PROPOSAL FORWARDED TO THE DIRECTOR OF INSURANCE DATED 14.9.2000 IN RESPECT OF THE 4TH PETITIONERS GROUP INSURANCE.

EXT.P5: COPY OF THE PF APPLICATION FORWARDED TO THE DIRECTOR OF COLLEGIATE EDUCATION WITH PROFORMA DATED 19.02 2000, IN RESPECT OF 5TH PETITIONER.

EXT.P5(a): COPY OF THE PROPOSAL FORWARDED TO THE DIRECTOR OF INSURANCE DATED 14.9.2000 IN RESPECT OF 5TH PETITIONERS GROUP INSURANCE.

EXT.P6: COPY OF THE P.F. APPLICATION FORWARDED TO THE DIRECTOR OF COLLEGIATE EDUCATION WITH FORFORMA DATED 19.2.2000, IN RESPECT OF THE 6TH PETITIONER.

EXT.P6(a): COPY OF THE PROPOSAL FORWARDED TO THE DIRECTOR OF INSURANCE DATED 25.9.2000 IN RESPECT OF 6TH PETITIONERS GROUP INSURANCE.

EXT.P7: COPY OF REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE THE 3RD, 5TH AND 6TH RESPONDENTS DATED 7.12.2000.

TRUE COPY

P.A.TO JUDGE

A.K.BASHEER,J

O.P.NO.35918 OF 2000

DATED THIS THE 14TH DAY OF DECEMBER,2006

JUDGMENT

Petitioners are retired Selection Grade Lecturers. Their grievance was that they were denied DCRG, Provident Fund etc. payable to them.

2. When this original petition came up for consideration, learned counsel for the petitioners submitted that the dues payable to them have since been paid. However, petitioners submitted that they had not been paid interest on the Provident Fund amount. It is pointed out by the petitioners that the amounts were released to them after an unjustifiable delay. It is contended by the learned counsel that respondent no.3 cannot be absolved of the statutory liability to pay interest.

3. Having regard to the facts and circumstances, I am of the view that petitioners should be given an opportunity to claim interest, if they are statutorily entitled to get the same. If the petitioners make a representation in this regard within one month from the date of receipt of a copy of this judgment, respondent No.3 shall consider the same and pass appropriate orders thereon in accordance with law. It

must be ensured that the authorised representative of the petitioners, is given sufficient opportunity to be heard before any orders passed. Respondent No.3 shall pass orders as expeditiously as possible, at any rate within two months from the date of receipt of the representation.

A.K.BASHEER,JUDGE.

dvs